

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. Based on this information the Department determined that the petitioner's increased Social Security benefits would result in a reduction in her Food Stamps to \$61 per month effective December 1, 2006.

3. At a hearing in this matter, held on February 27, 2007, the petitioner did not disagree with any of the Department's determinations regarding her income. The problem is that until August 2006 the petitioner was employed under the working disabled program, and her wages were only partially counted in determining her Social Security benefits. Moreover, her *earned* income under this program was totally exempt from consideration in determining her Food Stamps. When the petitioner stopped working, the increase in her Social Security benefits only partially replaced the loss of her earned income. For Food Stamps, however, since her earnings were never counted, this resulted only in an increase in her unearned income. Thus, despite the fact that the petitioner's *total* monthly income *decreased* significantly when she lost her job, her Food Stamps also decreased due to the increase in her *countable* income (Social Security).

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations include all Social Security payments as unearned income. Food Stamp Manual (F.S.M.) § 273.9(b). Deductions from income are limited to those

specifically itemized in the regulations. Food Stamp Manual (F.S.M.) § 273.9(d). The petitioner does not dispute that the Department has correctly calculated her standard and shelter/utility deductions, and that based on these amounts and her Social Security benefits the amount of Food Stamps payable to a one-person household with her income is \$61 a month. See P-2590D.

Both the Social Security and Food Stamp programs contain provisions providing monetary incentives to encourage disabled individuals to work. The flip side of those incentives, however, is that the *loss* of such earnings are only partially offset by an increase in Social Security benefits, which in turn leads to an actual reduction in Food Stamps.

The petitioner's dismay at this result is understandable, especially since the loss of her job appears to have been involuntary on her part. However, inasmuch as it is clear that the Department's decision in this matter accurately reflected the petitioner's countable income and expenses as of October 2006, and that the amount of her Food Stamps was determined in accord with the applicable regulations, the Board is bound by law to affirm the

Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule
No. 17.

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